

LS 5-259a

OGC REVIEW
COMPLETED

20 May 1955

MEMORANDUM FOR: Chief, Regulations Control Staff

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SUBJECT : Proposed [] Travel
Regulations, Performance

1. The concurrence sheet for [] is returned unsigned since we perceive certain objections to the Regulation in its proposed form.

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2. Our general comments are as follows:

a. [] General, in its draft form of December 1954, together with the transmittal letter of 14 December 1954, indicate that a series of 10 regulations under basic category No. 22, Travel, are planned, which will constitute the CIA Travel Regulations. [] General, is the general regulation; [] Performance, is the first of the contemplated series. Until [] is finalized, [] and our comments on it can be tentative only.

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b. Length and Complexity of Regulations. [] is in 20 single-spaced typed pages; [] is in 19 pages. In addition, the Standardized Government Travel Regulations, which have been issued by the Bureau of the Budget in booklet form in 24 pages, also apply according to paragraph 1c of [], notwithstanding that [] restates many of the provisions of the SGTRs. When the additional eight regulations which are planned for series 22 are issued, the volume may well reach several hundred pages. Not only does this cause unnecessary volume in our issuances; it unnecessarily requires all concerned to study [] against the SGTRs. It is believed every effort should be made to shorten and simplify the regulations (this seems particularly necessary in view of the provisions of paragraph 2b, that the traveler in certain circumstances may be held liable for "excess cost incurred through failure to observe regulations"). To this end it might be well to:

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(1) draft and issue the entire [] regulations as a single compact package;

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(2) omit duplicate and other unnecessary provisions;

(3) include in the [] only additions to and exceptions from the SGTRs required by virtue of circumstances peculiar to this Agency.

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c. Throughout the Regulation such terms as "cost may be allowed", "travel may be allowed", "travel may be authorized" "entitled to the cost", "allowed", "allowed and paid", "shall" and "may" are used extensively and somewhat interchangeably. It is believed they are not always used consistently and accurately.

3. Our comments concerning specific paragraphs are as follows:

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a. Paragraph 1a, page 1: This reference to 25X1A is believed too narrow in that more than authorization provisions of are pertinent. We suggest that it read:

"a. This Regulation is one of the series to be issued in basic Travel. Policy and general provisions are set forth in "

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b. Paragraph 2c(2), page 3: This provision appears inconsistent with paragraph 6c(6)(c), page 11, where less than first class accommodations are allowed certain persons and dependents. Paragraph 2c(2) seems unnecessary in any event, since other provisions require direct routes and lowest first class facilities.

c. Paragraph 3, page 3: This paragraph is intended to prescribe the traveler's responsibilities. It is believed the paragraph should refer to the employee's responsibilities. Also, the Regulation imposes numerous responsibilities not mentioned in paragraph 3. We suggest a subparagraph g, reading:

"g. Employees are also responsible for complying with other requirements imposed by this Regulation."

d. Paragraph 4b(2), page 4: It is believed the intention of this subparagraph might be more clearly stated by the following suggested language:

"If, at the time the tickets for the journey are bought, the carriers do not sell round trip tickets for the route authorized, failure to purchase a round trip ticket shall be deemed in compliance with subparagraph 4b(1) even though, by virtue of subsequent authorized changes in itinerary, return travel is over a route for which a round trip ticket could have been purchased."

e. Paragraph 4c, page 5: We suggest this subparagraph be simplified as follows:

"c. If a traveler elects to travel by a means of transportation or by a route, or between places not authorized by a travel order, only the constructive cost of travel by the authorized means, route, and places shall be allowed or paid from Government funds. If the traveler utilizes a

foreign vessel for his personal convenience, no Government funds shall be allowed or paid. This subparagraph applies to both employees and dependents, traveling together or separately."

f. Paragraph 5d, page 5: Since we believe that there might be reasons in addition to security which would justify a waiver here, we suggest that lines 2-4 be revised to read:

"b and c above when in their judgment the circumstances are so unusual as to clearly constitute good and sufficient reasons for doing so."

g. Paragraph 6, page 6: We suggest the word "his" be inserted following the word "submit" in line 4.

h. Paragraph 6a(1) and (2), page 6. To simplify and in order to avoid a conflict with the provision which denies a berth to children under five years of age, we suggest a rewrite as follows:

"(1) Travel orders shall be construed to authorize the use of first class accommodations unless they specifically provide otherwise. In this regard the facilities of air coach or tourist accommodations should be required when it is found that:

"(a) such facilities are substantially equivalent to those provided by first class accommodations;

"(b) the schedules of available flights permit travel within departure and arrival time;

"(c) travel by other than first class flights is operationally feasible; and

"(d) the employee and his dependents (except those under five years of age) are not eligible for sleeping berths obtainable only on first class flights."

(The following subparagraphs would require renumbering.)

i. Paragraph 6a(3), page 6: The last sentence seems to penalize the traveler unfairly.

j. Paragraph 6a(4), page 7: We suggest the word "authorizing" in lieu of the word "contemplating."

k. Paragraph 6a(5), page 7: What of a child under five, traveling alone? Presumably he should have a standard berth. We suggest that the last sentence read:

"One standard berth shall be allowed for each two children under five years of age, and for each child under five years of age traveling alone or with an older person who is not traveling at Government expense, but no berth shall be allowed for separate occupancy by one child under five years of age who is accompanied by an older person traveling at Government expense."

1. Paragraph 6b(1), page 7:

(1) Same point as in paragraph 6a(5). We suggest that the end of the first sentence read:

"... one standard lower berth shall be allowed for each two children under five years of age, and for each child under five years of age traveling alone or with an older person who is not traveling at Government expense, but no berth shall be allowed for separate occupancy by one child under five years of age who is accompanied by an older person traveling at Government expense."

(2) We question the propriety of requiring Agency employees to use upper berths when lower berths are not available. It is our understanding that paragraph 13 of the SGTRs relating to train accommodations has been construed to authorize roomettes when lower berths are not available.

m. Paragraph 6b(2), page 8: In order to simplify, we suggest the subparagraph read:

"One seat in a parlor or sleeping car may be allowed for each traveler regardless of age in each of the following instances:

"(a) when the travel is a continuous rail journey of more than two hours duration and is within the continental United States, and when the accommodation is actually used. For purposes of this subparagraph a stop for the purpose of changing trains shall not be considered an interruption of the journey.

"(b) when required because of security or operational reasons. If the travel order does not authorize use of such accommodations, they may be used at Government expense nevertheless if the traveler certifies the accommodations were required for operational or security reasons.

"(c) when the travel is outside the continental United States."

n. Paragraph 6c(1), page 9:

(1) In the quotation from the statute, the word "or" following the word "overseas" has been omitted.

(2) We suggest the following language following the quotation from the statute:

"The Agency and its personnel of course must comply with the provisions of this statute; however, the Comptroller General has ruled that the statute does not require travel by means of American vessels in every instance. Thus, where routing designed to utilize an American vessel would involve considerable land travel or transportation on a foreign vessel for a part of the journey with a consequent transshipment to an American vessel, resulting in excessive excess costs and delay, foreign vessels furnishing direct transportation between the point of origin of travel and the port of destination may be used. However, mere inconvenience, reasonable delays and minor economies are not factors which will justify the use of foreign vessels in preference to American flag vessels."

o. Paragraph 6c(3)(b), page 10: We doubt that the Comptroller General would support this provision. For example, would a traveler from Washington to an overseas post be justified in taking a foreign ship out of Baltimore, assuming no American ship is available in Baltimore, if American vessels are available out of New York?

p. Paragraph 6c(3)(d), page 10: We suggest that this provision be omitted. By specifying "meeting" the implication is made that only essential meetings justify travel by foreign ship. What of other essential appointments and assignments? The statute permits foreign vessels for an officer or employee where "the necessity of his mission" requires it. In any event the word "effective" should be omitted.

q. Paragraph 6c(6)(b) and (c), page 11:

(1) We query the use of "or above", "and above", etc.

(2) Since subparagraphs (b) and (c) provide first class accommodations for all employees except those below GS-11 (and equivalent military rank) traveling on the four named American ships, it is unnecessary to make specific and separate provision, as (b) and (c) do, that all travelers of GS-12 and above, in the one case, and all of GS-11 and below, in the other, may use first class accommodations.

(3) Subparagraphs (b) and (c) tend to confuse by the use of different language to make the same point concerning certification.

(4) Subparagraph (c) fails to provide for the use of accommodations superior to lowest first class accommodations by persons (GS-11 and below) authorized to use lowest first class accommodations when they are not available. (This situation is provided for in the case of GS-12s and above and in the case of GS-11s and below who are authorized to use cabin class accommodations on the four ships.)

(5) To meet these various points, we suggest that (b) and (c) be written as follows:

"(b) The lowest first class accommodations available at the time reservations are made shall be authorized for all Agency employees and their dependents, except that when Agency employees (including military personnel assigned to duty with this Agency) of the grade GS-11, or below, or of the military rank of 1st Lt. (USA), (USAF), or (USMC), or Lt. (j.g.) (USN), or below, and

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"(c) If the accommodations which may be authorized under subparagraph (b) are not available at the time reservations are made, the lowest class accommodations which are superior to the accommodations which may be authorized under subparagraph (b) and are available at the time reservations are made may be authorized and used. In such event the employee shall certify on his reimbursement voucher that the accommodations which could be authorized under subparagraph (b) were not available at the time the reservations were made and that the accommodations used were of the lowest superior

class available at the time. If the traveler fails to make the certification, or if he obtains and uses accommodations of a class higher than that which may be authorized under subparagraph (b), only the cost of accommodations of the latter class shall be allowed."

r. Paragraph 6g(3), page 15: In keeping with the provisions of paragraph 11-c of the SGTRs, we suggest that lines 3 and 4 be revised to read:

". . .Government employee, shall be allowed in the absence of a satisfactory showing that the hire was not induced because of such personal or official relationship or that in cases where the conveyance is furnished by a member of the family, that such member was not dependent upon the traveler for support."

s. Paragraphs 8 and 9, page 17 and 18: We suggest that in accordance with the provisions of paragraph 80 of the SGTRs, claims for reimbursement of miscellaneous expenses be supported by receipts whenever practicable. It is therefore suggested that these paragraphs be combined to indicate such a requirement.

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4. We have indicated to [] that we had certain objections to the regulation in its proposed form. [] stated that a number of offices are concerned with the drafting of the regulation and comments from at least some of these offices have been received. It is believed that it may be desirable to have a conference among the various offices concerned in order to consider all the comments and to revise the draft accordingly.

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Office of General Counsel